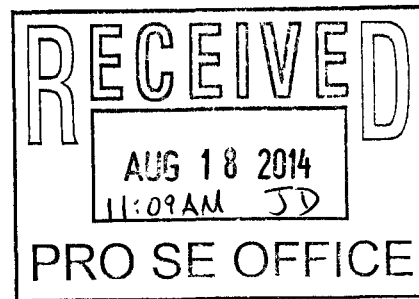


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ORIGINAL



JONATHAN RIDGARD

1:14 - CV - 04172 - (RRM)(LB)

-against-

AMENDED COMPLAINT
Jury Demanded (Yes)

NYC BICYCLE SHARE. LLC
STAMATINA ARNIOTS
VANESSA PEAN

This action is brought for discrimination in employment pursuant to:

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York Law.

1. Plaintiff resides at:

557 Miller avenue, Kings County, New York, 11207, (347) 262-9499
Street County State Zip code Telephone Number

2. Defendant(s) resides at, or its business is located at:\

5202 3rd Avenue, Kings County, New York, 11212, (347) 255-3311
Street County State Zip code Telephone Number

3. The address at which I sought employment or was employed by the defendant(s) is:

5202 3rd Avenue, Kings County, New York, 11212,
Street County State Zip code

Street County State Zip code

4. The discriminatory conduct of which I complain in this action includes:

- a. **Termination of my employment**
- b. **Failure to promote.**
- c. **Unequal terms and conditions of my employment**
- d. **Retaliation**

5. It is my best recollection that the alleged discriminatory acts occurred on:

a: **April 5th 2013 through October 30th 2013**

6. I believe that the defendant(s):

a: **is still committing these acts against me.**

7. Defendant(s) discriminated against me based on my:

- a. **Race**
- b. **Gender**
- c. **National Origin** (I am not Trinidadian or of Eastern Indian descent

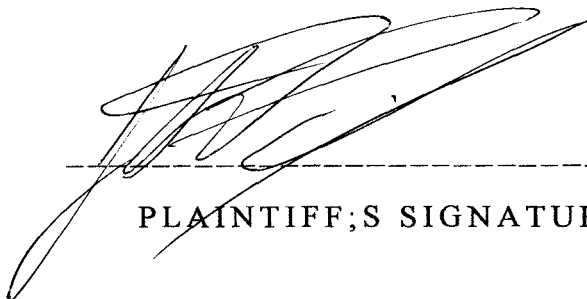
8. The facts of my case are as follows:

9. It is my best recollection that I filed a charge with the Equal Opportunity Commission regarding defendant's alleged discriminatory conduct on **December 17th 2013**

10. The Equal Opportunity Commission:

- a. Has issued a Right to Sue letter, which **I received on Date May 16th 2014**
Right to Sue letter is attached.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interests, costs, and attorney's fees.



PLAINTIFF'S SIGNATURE

Dated: _____

8/18/2014

557 Miller Avenue

Brooklyn, NY. 11207

Address

(347)262-9499

Telephone Number

Facts of My Case

1. **April 5th** Orientation day and first time meeting Tina (Indian, Female, Manager) and Adler (Haitian, Male, Supervisor) I attempted to greet and shake hands with both in a professional manner. Adler accepted my handshake, Tina ignored us both and gave a displeased look.
2. **April 6th** - No formal meeting was held between Tina and us, her supervisors to explain her strategy in getting the call center up and running. Whenever we asked what our assignment was or what she needed us to do she replied. You should already know what to do, you were supposed to already have experience before you came here. It is not my job to teach or train you. Despite Hasib and Justin relaying that she was to train me for management.
3. **April 9th** When Tina finally explained that she needed canned messages, phone script lines, and the FAQ's to be transcribed into a way that sounds like regular speech, for answering customers. I did exactly what she asked. When the assignment was completed, she took the completed assignment to the director and was told that it was a great job.
4. **April 10th** Adler Colas was demoted by Tina because he was not meeting the expectations of starting up the call center. Tina asked me to keep track of him making a statement about his male ego might hopefully get him canned. He was allowed to stay on the premises and his account stayed active. At that point I kept a file on Tina too.
5. **April 17th** - The agents arrived to receive an orientation. Tina was very open cordial and receptive to them. The way she treated the agents was very different compared to me her supervisor. Often times, she would talk over me, yell at me, and belittle me in front of them.

6. April 24th (On or Around) , after about a week with the agents, Tina pulled me to the side and told me that she knows our management styles are different, that mine is one of macro management and she prefers a close eye on the agents, that "they should be treated like children". I said to her that micromanagement will cause productivity to suffer. She replied, I can understand why that is hard for "you guys" to understand, but that is what I want. (At that time no other supervisor was employed in the call center)

May 5th (On or Around) - I went to Vanessa Pean and asked to speak with her concerning Tina's ongoing and persistent behavior and how she talks down to me as a supervisor in front of agents, I told Vanessa about the incident where Tina mentioned in #6 " I can understand....you guys to understand". Vanessa said that she was busy and couldn't talk at that moment.

May 10th (On or Around)- Sharda a woman of Indian descent had an unprofessional sense of humor where during jokes she would say things like "you are stupid shut up N-gga!" or racially explicit jokes with the punch line being "because you're black" This day was the first time Janet Street told me that Sharda had unprofessional "jokes" and that Sharda had touched her breasts without approval. Tina was notified of Sharda's behavior but nothing was done.

May 13th - (On or Around) - Agents were instructed by Tina, to process founding member key assignments. To be completed and mailed out before the members launch date of May 27.th While Tina was conducting interviews in one of the conference rooms, she placed me in charge of the key assignment. Various issues arose where some of the keys would not process because they were already assigned and some would not register. When I brought it to Tina's attention, she said in an annoyed voice to handle it. I consulted with Daniel Quarrel, our IT director and he gave me the best course of action to correct the issue. I followed his directions. When Tina came out she yelled and cursed at me "Why is it so F-ing hard for guys to follow instructions, This is my project not yours, you cannot do whatever you want (I was the only supervisor employed in the call center.) Daniel Quarrel had to intervene on my behalf.

June 3rd (On or Around) - I asked Tina how evaluations were being done because a lot of workers hired, had little to no call center experience. She changed the conversation to me and said that I am in danger of losing my position because I did not know how to use a formula for creating a 24 hour/ 7day / 3 shift schedule. I told her that I would learn the formula by the end of the week. Each time I went to her for guidance, she reminded me that it was not her job to teach, and she would remind me how many days I have left, to create frustration and pressure.

June 10th (On or Around) - To keep up with the demands of incoming calls, we had to outsource our call center to a company called Kingtel in the Brooklyn Army Terminal. In April, before moving to Kingtel, Tina told me that I was in charge of updating the call center schedule. She created a Monday to Sunday schedule. Due to Tina being out because of a family emergency, I contacted Hasib (our call center director) informed him of the incorrect schedules, how it was leading to incorrect pay and gave him my proposal to fix the schedules. He gave me the go ahead and I updated the schedule to reflect the company's Sunday to Saturday schedule. Up to the point of and the pay week that I changed the schedule, employees were complaining to HR, Tina and myself about incorrect pay. At one point Sharda called me cursing me out saying, "Where the F- is my paycheck, my paycheck better be here and correct". I notified Tina and HR about Sharda's behavior but nothing was done about it.

June 20th - (On or Around) - Tina returned from her family leave, I informed her of updates including:

A) Switching maps that agents used from, the Citi Bike site map (A map that was very inaccurate) to, at the advice of dispatch supervisor Tony Rojas, <http://bikes.oobrien.com/newyork/> (The map was more accurate in regards to station/bike availability and was used by dispatch)

B) With the go ahead from the educational and resource department who received the go ahead from Marketing who was in charge of the promotional sign up perks, I implemented a method of assisting existing members in changing the credit cards that they signed up with to a Citi bank card so that they could receive \$15 credit for using their Citi bank card.

C) I also suggested a few ideas that I had been working on that would improve the call center operations.

"She replied. You're not my boss, you don't tell me what to do and I won't tell you what to do".

June 26th (On or Around) - I was called into a meeting back at Citi Bike HQ for an evaluation. The evaluation was negative, because Tina claimed that I needed more training on how to use the bike share system because I was giving improper information on how to request more time. Earlier in the program, on the day my key was assigned by Daniel Quarrel I went out to the stations on my own time, used my Citi Bike key to request more time, and test the system to clear up any speculation and answer any questions the customers, Tina or agents may have. I felt that in order for us to be effective, we needed to all

have correct information. At that time Tina believed that you had to punch your key number in at the kiosk to request more time.

When I proved to Vanessa that I knew how to use the bike sharing system, Vanessa asked me to sign the evaluation to which I refused. I told Vanessa that I would not sign the document because the information was not true and because I felt like I was being targeted by Tina because I am a black male supervisor. The only thing Vanessa said after that was, "You are not signing the document for its validity, you are signing it to say you received the evaluation" I told Vanessa that I will dispute the evaluation when we had a system in place to do so.

July 19th (On or Around) - After returning from paternity leave from June 29th to July 12th, I returned to work on July 15th and was out for an additional two days because of a stomach virus. I returned on July 17th. on July 18th, I contacted Vanessa Pean by Google Chat requesting to talk to her about Tina's behavior. When she left her office, I approached and told her that I feel like Tina is targeting me because I am a black male supervisor. I informed her of a file on my Google docs that specified Tina's actions against myself and other workers. She requested that we talk on a later date. On July 19th, I came into work and Sharda Hassan was delegating tasks, I asked her what was going on and she replied that she's doing what Tina asked and that she does not have to answer to me.

That day, Tina scheduled a meeting with me. At one point Tina walked past my desk and said, Vanessa will talk with you about what you asked later on and under her breath as she walked away, she mumbled, what sounded like "you want to see discrimination." At the meeting, I was demoted for:

A) Allowing agents to eat outside of the lunch room in Kingtel (although the accommodations were approved by Kingtel management)

B) Taking a "crash" call instead of helping two Citi Bike Team leaders (Chanel Elliot and Linda) with training Kingtel employees designated by Tina (Despite the Team leaders training Kingtel staff before I came on for my shift and despite asking Chanel and Linda if they were ok with training to which they audibly answered yes.) Tina claimed that they were uncomfortable with me leaving them.

C) For not reporting a case to NYCBS where a Kingtel employee Kasheema Lang, complained about an incident where a "Citi Bike" Team Leader, Adler, snatched a NYCBS document from her. (Although no guidelines were presented for such a situation, I used my best judgment and gave a verbal warning to

Adler and told Kashima that she should bring the complaint to her supervisor Logan.)

D) For allegedly telling employees that they can dock a bicycle by riding it into a dock. (despite being dangerous, it was not against the company policy to ride bicycles into the dock. In fact the General Manager Justin Ginsburgh condoned people riding the bicycles into docks and doing tricks in a monthly news letter.)

Despite defending my actions from the claims against me, and notifying Vanessa that I was being retaliated against and targeted, I was not able to dispute Tina's claim, instead I was only offered the option to quit or be demoted. I choose demotion. I was demoted, taken off the schedule indefinitely and my work email and work credentials were deleted

(After their termination, Gemil Lauger a call center manager, and Kareen Georges a call center supervisor informed me that Tina and Vanessa verbalized that they were hoping that I had quit due to my "Male ego")

July 23rd - Almost a week after my demotion, I contacted Vanessa Pean about reporting back to work, she replied " in regards to being back on the schedule, once the call center is built and we transfer everyone from Kingtel to the office, Tina will send you a message."

July 24th, I asked Vanessa Pean: what the call center being built and transferring people back from Kingtel had to do with me going back to work, I received no reply.

July 25th Tina contacted me and asked me to show up for a 10-6 pm shift on Monday. That Monday when I reported to work, The call center was not built, staff were still at Kingtel and I was replaced by a woman supervisor Khareen Georges (Haitian, Female).

August 7th (On or Around) - Rafael Vasquez (Hispanic, Male, agent) made a comment that, I should stay away from police because "you can be arrested for anything 'now -a-days'" knowing that Rafael has an inappropriate, racial in nature, sense of humor, I asked him what he meant. He detailed an incident that occurred back in June while I was on paternity leave, where he was arrested for allegedly stealing a Citi bike from a rider while not on assignment. (Rafael has been complained on numerous times to Tina and Vanessa Pean about his racial jokes but no action was taken.)

August 12th (On or Around) - In humor, I asked Rafael if he was staying away from the police, unbeknownst to me, he was upset about my statement and made

a complaint with Tina. The next day Adler notified me that when the incident first occurred Tina instructed the agents that I was not to know about the

a complaint with Tina. The next day Adler notified me that when the incident first occurred Tina instructed the agents that I was not to know about the incident.

Tina sent a message to my supervisor Khareen Georges saying that I was to apologize to Rafael for the statement and that I was being written up for insubordination.

I explained that I did not know about the incident and wouldn't have known about the incident unless Rafael told me. Tina replied that there is no exceptions, that I am to apologize and that I was written up..

August 20th (On or Around) - Despite Tina requesting that I assist and train multiple agents that I felt would be competent with processing invoices, asking me to assist Khareen Georges with supervisory duties, or placing me in charge in times where Khareen or a replacement were not available, Tina requested that Khareen give her the name of newer employees who she felt were capable of a team lead position. Automatically, that request eliminated my-self and the only other two males on the shift who were African- American.

September 20th (On or Around) - Tina called me to come in the next day (September 21st, my day off) so that we could talk about my numerous days off, those days being:

A) (On or Around) September 17th, I called out at 9pm because of a pinched nerve that left me incapacitated,

B) **August 11th** days that I called out because Tina listed me on the schedule as support (employee training). I told Khareen that I was not coming in because if I had I would have been working 14 days without a day off. A violation of Department of Labor regulations

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That night (September 20th) I called Justin Salsberg (Caucasian, Male, Office Manager) and asked if he would be able to stand in as a witness at the meeting because I felt like I was being targeted and discriminated against by Tina and Vanessa. He said that he would not be able to. I pleaded with him and provided him with examples of how they were being unfair. (I asked him what reasons he was given for my demotion, he replied that Tina and Vanessa said that I did not have the experience necessary. I informed him on the reasons I was told.)

At the September 21st meeting, instead of talking about my "numerous call outs" Tina said that she requires that people call out at least 2 hours in advance.

September 20th - After the "call outs" meeting with Tina another Manager Gemil Lauger, pulled me to the side and asked, why I was at the job on my day off. I told him about my meeting with Tina, I relayed the reasons I felt I was being targeted by Tina and Vanessa and how I was in fear of losing my job. I asked his advice on the situation, he replied that he does see unfair treatment, but because of his position he has guidelines to follow. He suggested that I seek a resolution outside of the company.

October 21st - Adler Colas, Chanel Eliot, and myself (3 African-American employees) were called into a meeting with Tina Arniotis, Vanessa Pean, and another Manager Vera. We were told that we were going to be taking part in a pilot program dubbed "Employee Swap Program." Involuntarily, we would be terminated on November 2nd, 2013 due to lack of work, but we had the option of participating in the program, which would switch Citi Bike's best agents with those from Uncommon Goods for their peak season.

In march of 2014, Terminated agents had the option of reapplying to Citi Bike as a new agent, absent of any previous seniority or benefits. Those exempt from the program were people involved in a special group of: processing (Emails, System or Refunds.)

Despite providing proof of my involvement to Tina and Vanessa in the form of emails and chat messages from Gemil Lauger and Nicole Hunter (African American Female), with them requesting that I process refunds and confirming that I am part of the specified groups. Tina went to a Team Leader Shiron Ruize (Hispanic, Male, Team Leader) whom she claims said that, I am not a part of the refunds group. She picked the statement of a Hispanic team leader over the facts provided by African-American supervisors to aid her with her obtaining her desired results of termination.

October - 30th After receiving a departmental wide E-mail from Tina congratulating Shiron Ruize on becoming a Supervisor, providing accolades, and listing the reasons she feels he qualified for the position, I went to the call center director Hasib Ikramullah and questioned him as to why I was a part of the employee swap program. He replied that I am asking questions that I will not get the answers for. I asked him why I was demoted he stated that I instructed people to dock bicycles incorrectly and that he has the recording if I

want to hear it. I requested to hear the recording and he replied "No! that's not going to happen" He then said that if I go along with the program and not stir up trouble like Adler and the other agents, things will turn out better. .

I left Hasib's office and tried to sit at my desk and do work but found it extremely difficult. I went to Gemil and told him that I had had enough, I informed him that I will take the remainder of my days as sick days until I start at Uncommon Goods because I felt helpless.

I went into Vanessa's office and told her that I feel sick and was taking the rest of my days off. She requested that I get my key card and badge. After handing them over she said "OK we've filed your resignation, I wish you the best in your job search." After pleading with her and arguing that I did not resign, I stormed out the office in tears. Justin Salsberg stopped me to ask what transpired. I walked with him down to the garage and told him everything that occurred. He expressed sympathy for my situation and suggested that I do what I feel is best for me

Uncommon Goods never received my resume, and Citi bike fought to terminate my unemployment benefits. Because of my documents, I was able to prove otherwise.

April to present - On many occasions and still ongoing, Sharda Hassan (Indian, Female, Agent) as well as Stephanie (Caucasian, Female, Agent) have been allowed special privileges because of their race and gender. They both have been able to come in late or not at all, have been able to leave early, and have received specialized shifts. Many complaints have been made against both Sharda and Stephanie on grounds of favoritism and prejudice but to no avail, instead, the employees who have complained were ultimately reprimanded by management.

August 12th 2014. Agents at Citi Bike were able to establish that there was in fact favoritism and preferential treatment given to Sharda Hassan, in part because of her:

1. National Origin
2. Gender
3. Sexual Preference.

An E-mail was distributed to myself and others who were connected to or affected by, the preferential treatment given by Vanessa Pean and Tina

Arniotis to Ms. Sharda Hassan because of her gender, national origin, and race. The E-mail shows, NYCBS's specific policy of Supervisor/ agent relationship: "You will not be allowed to work in a position where your supervisor is a relative or where a personal relationship interferes with job performance or Morale. If such a situation is created through promotion, transfer, marriage or other changes, ABS (Alta Bicycle Share) will work to immediately transfer you or the other employee..."

Despite company policy, Sharda is still an agent in the call center for which Tina is still a manager of. The relationship has and still does affect every non-Trinidadian, non-Indian, non-Caucasian person that works in NYCBS call-center.

Exhibit A - Email showing relationship between both Tina and Sharda with an excerpt on company policy. #pgs

Exhibit B 1: Letter showing that NYCBS was contesting unemployment benefits #pgs

Exhibit B 2: Letter from NYCBS "confirming" that my termination was voluntary #pgs

Exhibit B 3: Email of Employee swap program details #pgs

Exhibit B 4. Dated 10/30/2013 voice recording between Vanessa Pean and Myself.

Exhibit C: Dated 10/30/2013 Voice Recording of Meeting between Hasib and myself.

Exhibit D: Chat and Email between Nicole, Gemil and Myself proving my involvement in specialized groups. #pgs

Exhibit E 1: Newsletter with Justin Ginsburgh condoning docking bicycles by riding into docks. #pgs

Exhibit E 2: Email between Chanel and myself proving that Tina was being deceitful. #pgs

Exhibit F: Email from Hasib stating that I need more experience as a supervisor before becoming a manager. #pgs

Exhibit G: Emails from Tina on processing invoices. #pgs

Exhibit H: Email proving that I was listed as support for 8/11/2013

Exhibit I: Email with Vanessa after the demotion asking the correlation between the call center and me being placed on the Schedule. #pgs

Exhibit J: Right to Sue letter. #pgs